

ESTTA Tracking number: **ESTTA486505**Filing date: **07/31/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	BHPC ASSOCIATES LLC		
Entity	limited liability corporation	Citizenship	Delaware
Address	1370 Broadway New York, NY 10018 UNITED STATES		

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com Phone:2122925390
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Registration Subject to Cancellation

Registration No	3740106	Registration date	01/19/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	Royal County of Berkshire Polo Club Ltd. North Street Winkfield, Windsor Berkshire, SL4 4th UNITED KINGDOM		

Goods/Services Subject to Cancellation

<p>Class 014.</p> <p>All goods and services in the class are cancelled, namely: Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals, namely, ashtrays, badges, blazer buttons, cigar and cigarette boxes, buckles for clothing, candlesticks, cosmetic powder compacts, cuff links, desktop ornaments, figurines, goblets, jewelry boxes, key chains, key rings, medals, perfume flasks, perfume sprayers, picture frames, rings, trinkets and trophies</p>
<p>Class 018.</p> <p>All goods and services in the class are cancelled, namely: Leather goods and imitation leather goods, namely, leather and imitation leather bags, briefcases, credit card holders, key cases, leashes for animals, cases, portfolios, purses, traveling suitcases, wallets, sports bags, straps and traveling bags; articles of luggage; athletic bags, shopping bags made of skin, beach bags, cosmetic bags sold empty, diaper bags, duffel bags, garment bags for travel, gym bags, makeup bags sold empty, overnight bags, school bags, school book bags, shoulder bags, suit bags, tote bags, travel bags and umbrella bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry all bags and carry-on bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery</p>

Grounds for Cancellation


Abandonment	Trademark Act section 14
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Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1751058	Application Date	10/01/1991
Registration Date	02/09/1993	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1991/05/31 First Use In Commerce: 1991/05/31 ophthalmic eyewear; namely, eyeglass frames, lenses, chains, and cases; eyeglasses; and sunglasses</p> <p>Class 014. First use: First Use: 1991/08/31 First Use In Commerce: 1991/08/31 watches</p> <p>Class 018. First use: First Use: 1991/03/31 First Use In Commerce: 1991/03/31 wallets, umbrellas, and small leather goods; namely, credit card cases, key cases, and coin purses</p> <p>Class 024. First use: First Use: 1991/03/01 First Use In Commerce: 1991/03/01 beach towels, bath towels, table linens and textile placemats, and bed and bath accessories; namely, fabric toilet seat covers</p> <p>Class 025. First use: First Use: 1989/10/31 First Use In Commerce: 1989/10/31 clothing for men, women and children; namely, shirts, sweatshirts, sweaters, tee shirts, pants, caps, hats, jackets, dresses, socks, hosiery, raincoats and outerwear; namely, coats and jackets, and belts</p>		

U.S. Registration No.	2181220	Application Date	09/09/1996
Registration Date	08/11/1998	Foreign Priority Date	NONE
Word Mark	BEVERLY HILLS POLO CLUB		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1997/07/15 First Use In Commerce: 1997/07/15 luggage
Attachments	74209022#TMSN.gif (1 page)(bytes) 75162739#TMSN.gif (1 page)(bytes) 073112 Petition for Cancellation.pdf (11 pages)(233642 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/robert l. epstein/
Name	Robert L. Epstein
Date	07/31/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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BHPC ASSOCIATES LLC,	:	
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Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	
	:	
ROYAL COUNTY OF BERKSHIRE POLO	:	
CLUB LTD	:	
	:	
Registrant.	x	

PETITION OF CANCELLATION


Petitioner, BHPC Associates LLC, of 1370 Broadway, New York City, New York 10018, believes that it is being damaged by Registration No. 3740106 issued January 19, 2010 for the trademark ROYAL BERKSHIRE POLO CLUB and Polo Player Design in International Class 014 and International Class 018 and therefore petitions to cancel said registration.


As grounds for its petition, Petitioner, by and through its undersigned attorneys, alleges as follows:

1. Continuously and long prior to the filing date of February 16, 2006 of Application Serial No. 78980858 upon which Registration No. 3740106 is based, Petitioner has offered and continues to offer a variety of goods, including watches, luggage, bags, wallets, umbrellas, and small leather goods bearing the mark BEVERLY HILLS POLO CLUB and a design including the image of a polo player on horseback swinging his mallet (the "BEVERLY HILLS POLO CLUB and Polo Player Design mark").

2. Over a prolonged period of time, Petitioner has invested a substantial amount of time, effort and money promoting its BEVERLY HILLS POLO CLUB and Polo Player Design mark and the goods bearing that mark. As a result of its promotional efforts, a tremendous volume of sales, and extensive use of the BEVERLY HILLS POLO CLUB and Polo Player Design mark, Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark has attained widespread acclaim in the United States, and has come to be exclusively recognized as identifying the products of Petitioner. Since long before any use of or alleged rights of Registrant in the mark of Registration No. 3740106 sought to be cancelled, Petitioner's BEVERLY HILLS POLO CLUB and Polo Player Design mark has become distinctive of Petitioner's goods and represents a tremendous amount of goodwill of Petitioner's business.

3. In addition to its common law rights, Petitioner owns the following incontestable United States trademark registrations of the BEVERLY HILLS POLO CLUB and the Polo Player Design mark for use in the aggregate in connection with Petitioner's goods:

MARK	Class(es)	REGISTRATION NUMBER	REGISTRATION DATE
	09,14,18,24,25	1751058	02-09-1993

	018	2181220	08-11-1998

4. Petitioner's registrations are valid, subsisting, in full force and effect, incontestable, and are evidence of Petitioner's exclusive rights to use its registered marks on the identified goods, pursuant to 15 U.S.C. §§ 1057 and 1115.

5. Upon information and belief, Royal County of Berkshire Polo Club ("Registrant") filed with the United States Patent and Trademark Office an Application Ser. No. 78816061 dated February 16, 2006, for the trademark ROYAL BERKSHIRE POLO CLUB and Polo Player Design ("Registrant's Mark") for the following goods:

"Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals, namely, ashtrays, badges, blazer buttons, cigar and cigarette boxes, buckles for clothing, candlesticks, cosmetic powder compacts, cuff links, desktop ornaments, figurines, goblets, jewelry boxes, key chains, key rings, medals, perfume flasks, perfume sprayers, picture frames, rings, trinkets and trophies", in International Class 014; and

"Leather goods and imitation leather goods, namely, leather and imitation leather bags, briefcases, credit card holders, key cases, leashes for animals, cases, portfolios, purses, traveling suitcases, wallets, sports bags, straps and traveling bags; articles of luggage; athletic bags, shopping bags made of skin, beach bags, cosmetic bags sold empty, diaper bags, duffel bags,

garment bags for travel, gym bags, makeup bags sold empty, overnight bags, school bags, school book bags, shoulder bags, suit bags, tote bags, travel bags and umbrella bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry all bags and carry-on bags; umbrellas, parasols and walking sticks; whips, harnesses and saddler”, in International Class 018. A copy of Application Serial No. 78980858 is annexed hereto as **EXHIBIT A**.

6. Upon information and belief, said Application Ser. No. 78980858 was allowed by the United States Patent and Trademark Office and issued into Registration No. 3740106 on January 19, 2010, the registration which Petitioner seeks to cancel.

7. Registrant is not connected to Petitioner in any way and has not been authorized by Petitioner to use the mark of Registration No. 3740106.

COUNT I: Priority and Likelihood of Confusion

8. Petitioner repeats and re-alleges each and every allegation contained in paragraphs 1 through 7 as if fully set forth herein.

9. Upon information and belief, Petitioner acquired rights in the BEVERLY HILLS POLO CLUB and Polo Player Design mark prior to any date on which Applicant can rely in connection with the mark of Registration No. 3740106.

10. Petitioner’s BEVERLY HILLS POLO CLUB and Polo Player Design mark is the same as or similar to the mark of Registration No. 3740106 in appearance, sound, meaning and commercial impression, both marks including the words POLO CLUB and confusingly similar polo player images, arranged in a similar manner, with the confusingly similar polo player images situated above the words POLO CLUB.

11. The goods of the respective parties are identical or commercially related, and/or the conditions and activities surrounding the marketing of same are such that they would or

could be encountered by the same persons under circumstances that could give rise to the mistaken belief that they originate from the same source.

12. As a result, the mark of Registration No. 3740106, when used in connection with the goods identified said registration, is likely to cause confusion or mistake or to deceive and mislead the trade and the purchasing public into believing that Registrant's goods are the goods of Petitioner, or that Registrant or its goods are authorized, licensed or controlled by Petitioner, or that Registrant is affiliated with or in some way related to Petitioner. Accordingly, any such use or/and the continued registration of the mark of Registration No. 3740106 would and does violate Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

13. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 3740106.

COUNT II: ABANDONMENT

14. Petitioner repeats and realleges each of the allegations set forth in Paragraphs 1 through 13 of the Petition above, as though same were fully set forth herein.

15. Upon information and belief, Registrant has not used Registrant's Mark in commerce on some or all of the goods in International Class 014 identified in Registration No. 3740106.

16. Upon information and belief, Registrant has no bona fide intention to use Registrant's Mark in commerce on some or all of the goods in International Class 014 identified in Registration No. 3740106.

17. Upon information and belief, Registrant has not used Registrant's Mark in commerce on some or all of the goods in International Class 018 identified in Registration No. 3740106.

18. Upon information and belief, Registrant has no bona fide intention to use Registrant's Mark in commerce on some or all of the goods in International Class 018 identified in Registration No. 3740106.

19. Upon information and belief, Registrant has abandoned any right it may have, or may have had, to use Registrant's Mark on the goods identified in International Class 014 in Registration No. 3740106.

20. Upon information and belief, Registrant has abandoned any right it may have, or may have had, to use Registrant's Mark on the goods identified in International Class 018 in Registration No. 3740106.

21. Upon information and belief, Registrant has abandoned Registration No. 3740106.

22. Upon information and belief, Registration No. 3740106 is invalid because of abandonment and should be cancelled in its entirety.

23. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 3740106.

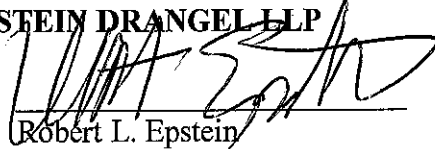
WHEREFORE, it is respectfully requested that this petition for cancellation be sustained and that the Registration No. 3470106 be cancelled .

Respectfully submitted,

EPSTEIN DRANGEL LLP

Dated: July 31, 2012

By:

A large, stylized handwritten signature in black ink, likely belonging to Robert L. Epstein, is written over the printed name and extends to the right.

Robert L. Epstein

William C. Wright

Jason M. Drangel

60 East 42nd Street, Suite 2410

New York, New York 10165

Tel. No.: (212) 292-5390

Fax. No.: (212) 292-5391

EXHIBIT A

Trademark/Service Mark Application, Principal Register

Serial Number: 78816061

Filing Date: 02/16/2006

To the Commissioner for Trademarks:

MARK: ROYAL BERKSHIRE OF POLO CLUB (stylized and/or with design, see mark)

The literal element of the mark consists of ROYAL BERKSHIRE OF POLO CLUB.

The applicant, Royal County of Berkshire Polo Club Ltd., a corporation of United Kingdom, residing at North Street Winkfield, Windsor, Berkshire, United Kingdom, SL4 4th, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 003: Toiletries, perfumery, aftershave, preparations for the hair, shampoo, soaps, essential oils, cosmetics, hair lotion, deodorants, eau de toilette, body sprays, bath oils, bubble bath, shower gel.

International Class 014: Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals

International Class 018: Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of European Community registration number 22186, registered 12/18/2000 with a renewal date of 04/01/2006 and an expiration date of 04/01/2006, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 014: Watches, clocks, jewellery, precious stones, precious metals, goods coated with precious metals

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of European Community registration number 22186, registered 12/18/2000 with a renewal date of 04/01/2006 and an expiration date of 04/01/2006, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

International Class 018: Leather goods; imitation leather goods; articles of luggage; bags; trunks, holdalls, handbags, wallets, purses, briefcases, suitcases, rucksacks, carry bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery

The applicant hereby appoints A. Tally Eitan and Vladimir Sherman of Eitan Law Group, Eitan Mehulal Pappo Kugler, c/o Edna Eisemann, 18106 Kitchen House Court, Germantown, Maryland, United States, 20874 to submit this application on behalf of the applicant. The attorney docket/reference number is T-8252-US.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: trademarks@eitangroup.com.

A fee payment in the amount of \$975 will be submitted with the application, representing payment for 3 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /te/ Date: 02/16/2006
Signatory's Name: A. Tally Eitan
Signatory's Position: Attorney for Applicant

Mailing Address:
A. Tally Eitan
c/o Edna Eisemann
18106 Kitchen House Court
Germantown, Maryland 20874

RAM Sale Number: 1102
RAM Accounting Date: 02/16/2006


Serial Number: 78816061
Internet Transmission Date: Thu Feb 16 09:31:28 EST 2006
TEAS Stamp: USPTO/BAS-21214310136-200602160931280068
85-78816061-2009daecdad1c87ead4bcc8b5b0b
cedcc-DA-1102-20060216093039246128

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 31st day of July, 2012, upon Registrant's attorney of record:

A. Tally Eitan, Esq.
c/o Edna Eisemann
18106 Kitchen House Court
Germantown, Maryland 20874

BY:


Robert L. Epstein
